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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,415

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05/14/2008

EXAMINER

RIGGLEMAN, JASON PAUL

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/749,415	Applicant(s) RAY, R. KEVIN	
	Examiner JASON P. RIGGLEMAN	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008 and 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 19-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 11 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 4 and 7-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/4/2008 has been entered.

Election/Restrictions

2. Applicant's election with traverse of Species I (Claims 1-3, 5-6, and 11-18) in the reply filed on 2/4/2008 is acknowledged. The traversal is on the ground(s) that species I encompasses claims 1-18 and Species II is drawn to claims 19-38; therefore, there is not a third species. This is found persuasive; therefore, Species I (Claims 1-18) is elected for examination. The applicant has also amended the claims to make claim 19 dependent upon claim 1 (species I dependent upon species II) in an attempt to force examination of both species (with the election of species I). This is not found persuasive because changing the dependency does not change the species. Claims 19-38 are therefore withdrawn from examination as being drawn to a non-elected invention.

The requirement is still deemed proper and is therefore made FINAL.

Status of Claims

3. Applicant's reply filed on 2/4/2008 is acknowledged. Current pending claims are 1-38. Claims 1, 4, 19, and 21-22 are amended. Claims 39-42 have been cancelled. Claims 19-38 have been withdrawn by the examiner as being drawn to a non-elected invention.

Response to Arguments

4. Applicant's amendments, filed 9/26/2007, have been fully considered. The applicant argues that Gregory (US Patent No. 616449) does not teach a "device that pumps *either a fluid plus a first chemical at low pressure or a fluid alone at high pressure*". Applicant argues that Gregory does not teach a pressure washer having an "injector where a second liquid is dispensed at high pressure". Firstly, it is assumed the applicant means second chemical – and not "second liquid", see claim 1. Examiner asserts that since claim 1 reads "to selectively spray a fluid only **OR** a fluid and a second chemical in the high pressure range" then the device of Gregory need only be capable of doing at least one of the operations (fluid only) -- given the alternative "OR" language. Gregory meets this limitation; therefore, the arguments are not persuasive.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The term "selectively spray" is not understood. For purposes of examination -- "selectively spray" is assumed to be capable of spraying.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5, 11, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory (US Patent No. 6164496) in view of Teague (US Patent No. 5383605).

9. Gregory teaches the use of a cleaning apparatus with an injector which has a movable external member (outer assembly 24) that partially surrounds the nozzle 38. The injector has an internal 123 and external 112 passageway, and the movable external member 24 is positioned partly around the nozzle 38 and the external passageway 112. The external member 24 has a valved chemical inlet 92 (second vent) positioned downstream from the nozzle 38. The injector is configured to spray at least one of a fluid in the low-pressure range and a fluid in a high-pressure range ("**selectively**") (Column 1, Lines 25-57)(Column 2, Lines 59-62). Gregory also teaches a chemical supply (second chemical housing) (in reservoir 112) connected to the second chemical inlet 92. The piece 34 may be considered the spray lance. The nozzle tip (valve stem 120) has a flow restricting portion.

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10. Gregory does not teach a first chemical inlet for the pump; a motor associated with the pump; and a spray gun with a trigger and handle; however, Teague teaches a power-spraying device with a pump 58 that has a plurality of solenoid-controlled fluid inlets 63, 64, and 65. The fluid inlets are fed from three chemical tanks 68, 70, and 72, respectively, into fluid passageway 67 and then to the pump 58. A spray wand 40 is connected to the nozzle housing 4 that is connected by hose 44 to the pump 58. A motor 56 is associated with the pump 58. The spray wand 40 has a handle 70 and trigger 78, Fig. 2) for controlling fluid flow (Columns 3-4, Lines 10-68, Lines 0-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory with Teague to inject detergent downstream of the pump to create a power-spraying device that effectively mixes detergent with water for cleaning.

11. In regards to claim 15, Gregory and Teague do not specify the use of a non-corrosive external member and metallic nozzle; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory and Teague to create a spraying apparatus with nozzles/external members resistant to corrosion yet capable of withstanding high-pressure fluid flow.

12. In regards to claim 16, Gregory and Teague, do not teach a second venturi coupled upstream to the pump of the first chemical element; however, the use of a Venturi to inject chemicals is common in the art and it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory as modified by Teague to create a Venturi fed upstream chemical inlet to achieve the expected result.

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13. In regards to claim 18, Gregory does not teach the specific pressure values for the high and low pressure ranges; however, it has been held that it would have been obvious to one of ordinary skill in the art at the time of the invention have determined the optimum value for a cause effective variable through routine experimentation (*In re Woodruff*, 16 USPQ 2d 1934, 1936 (Fed. Cir. 1990). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory such as to use the optimum pressure values for washing a car.

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory (US Patent No. 6164496) and Teague (US Patent No. 5383605), as applied to claims 1-3, above, and further in view of Kranzle (US Patent No. 5405086).

15. Gregory and Teague do not teach a cart for housing the chemical supply unit and the pump; however, Kranzle teaches the use of a cart consisting of a housing 2 with wheels 5 for supporting a chemical supply unit 12 and pump 7. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Teague and Gregory with Kranzle to create a mobile pressure-cleaning device.

Allowable Subject Matter

16. Claims 12-14 are allowed.

17. Claims 4 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit 1792

Jason P Riggleman
Examiner
Art Unit 1792

/J. P. R./
Examiner, Art Unit 1792